

By: Bettencourt, Campbell, Hall

S.B. No. 655

A BILL TO BE ENTITLED

AN ACT

relating to certain notice of the extent of a municipality or its extraterritorial jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 41.001, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to the requirements of this section, a home-rule municipality shall make publicly available a digital map that complies with this section. A digital map required under this subsection must be made available without charge and in a format widely used by common geographic information system software.

SECTION 2. Section 43.052, Local Government Code, is amended by adding Subsections (f-1) and (f-2) to read as follows:

(f-1) In addition to the notice provided under Subsection (f), a municipality, before the 90th day after the date the municipality adopts or amends an annexation plan under this section, shall give written notice as provided by this subsection to each property owner in any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation. For purposes of this subsection, a property owner is the owner as indicated by the appraisal records furnished by the appraisal district for each county in which the area that would be newly included in the municipality's extraterritorial jurisdiction is located. The notice must include:

1 (1) a description of the area that has been included in
2 the municipality's annexation plan;

3 (2) a statement that the completed annexation of that
4 area will expand the municipality's extraterritorial jurisdiction
5 to include all or part of the property owner's property;

6 (3) a statement of the purpose of extraterritorial
7 jurisdiction designation as provided by Section 42.001; and

8 (4) a list of municipal ordinances that would be
9 applicable, as authorized by Section 212.003, in the area that
10 would be newly included in the municipality's extraterritorial
11 jurisdiction.

12 (f-2) In addition to the notice requirements under
13 Subsection (f), a home-rule municipality, before the 90th day after
14 the date the municipality adopts or amends an annexation plan under
15 this section, shall create and make publicly available a digital
16 map that identifies the area proposed for annexation and any area
17 that would be newly included in the municipality's extraterritorial
18 jurisdiction as a result of the proposed annexation. A digital map
19 required under this subsection must be made available without
20 charge and in a format widely used by common geographic information
21 system software.

22 SECTION 3. Section 43.0561, Local Government Code, is
23 amended by amending Subsection (c) and adding Subsections (d), (e),
24 and (f) to read as follows:

25 (c) The municipality must:

26 (1) post notice of the hearings on the municipality's
27 Internet website if the municipality has an Internet website; and

1 (2) publish notice of the hearings in a newspaper of
2 general circulation;

3 (A) in the municipality;

4 (B) ~~[and]~~ in the area proposed for annexation;
5 and

6 (C) in any area that would be newly included in
7 the municipality's extraterritorial jurisdiction by the expansion
8 of the municipality's extraterritorial jurisdiction resulting from
9 the proposed annexation.

10 (d) The notice for each hearing must be published at least
11 once on or after the 20th day but before the 10th day before the date
12 of the hearing. The notice for each hearing must be posted on the
13 municipality's Internet website on or after the 20th day but before
14 the 10th day before the date of the hearing and must remain posted
15 until the date of the hearing.

16 (e) If applicable, the notice for each hearing must include:

17 (1) a statement that the completed annexation of the
18 area will expand the municipality's extraterritorial jurisdiction;

19 (2) a description of the area that would be newly
20 included in the municipality's extraterritorial jurisdiction;

21 (3) a statement of the purpose of extraterritorial
22 jurisdiction designation as provided by Section [42.001](#); and

23 (4) a list of municipal ordinances that would be
24 applicable, as authorized by Section [212.003](#), in the area that
25 would be newly included in the municipality's extraterritorial
26 jurisdiction.

27 (f) In addition to the notice required by Subsection (c),

1 the ~~[The]~~ municipality must give ~~[additional]~~ notice by certified
2 mail to:

3 (1) each public entity, as defined by Section 43.053,
4 and utility service provider that provides services in the area
5 proposed for annexation; and

6 (2) each railroad company that serves the municipality
7 and is on the municipality's tax roll if the company's right-of-way
8 is in the area proposed for annexation.

9 SECTION 4. Section 43.063, Local Government Code, is
10 amended by amending Subsection (c) and adding Subsections (d), (e),
11 and (f) to read as follows:

12 (c) The municipality must:

13 (1) post notice of the hearings on the municipality's
14 Internet website if the municipality has an Internet website; and

15 (2) publish notice of the hearings in a newspaper of
16 general circulation:

17 (A) in the municipality;

18 (B) ~~[and]~~ in the area proposed for annexation;
19 and

20 (C) in any area that would be newly included in
21 the municipality's extraterritorial jurisdiction by the expansion
22 of the municipality's extraterritorial jurisdiction resulting from
23 the proposed annexation.

24 (d) The notice for each hearing must be published at least
25 once on or after the 20th day but before the 10th day before the date
26 of the hearing. The notice for each hearing must be posted on the
27 municipality's Internet website on or after the 20th day but before

the 10th day before the date of the hearing and must remain posted until the date of the hearing.

(e) If applicable, the notice for each hearing must include:

(1) a statement that the completed annexation of the area will expand the municipality's extraterritorial jurisdiction;

(2) a description of the area that would be newly included in the municipality's extraterritorial jurisdiction;

(3) a statement of the purpose of extraterritorial jurisdiction designation as provided by Section 42.001; and

(4) a list of municipal ordinances that would be applicable, as authorized by Section 212.003, in the area that would be newly included in the municipality's extraterritorial jurisdiction.

(f) In addition to the notice required by Subsection (c), the [The] municipality must give [additional] notice by certified mail to each railroad company that serves the municipality and is on the municipality's tax roll if the company's right-of-way is in the area proposed for annexation.

SECTION 5. Subchapter C-1, Chapter 43, Local Government Code, is amended by adding Section 43.0635 to read as follows:

Sec. 43.0635. MAP REQUIREMENT FOR PROPOSED ANNEXATION. In addition to the notice requirements under Section 43.063, a home-rule municipality, before the municipality may institute annexation proceedings, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed

1 annexation. A digital map required under this section must be made
2 available without charge and in a format widely used by common
3 geographic information system software.

4 SECTION 6. Not later than January 1, 2018, each home-rule
5 municipality shall make publicly available a digital map that
6 complies with Section 41.001(d), Local Government Code, as added by
7 this Act.

8 SECTION 7. (a) The change in law made by Section
9 43.052(f-1), Local Government Code, as added by this Act, applies
10 only to a prospective expansion of extraterritorial jurisdiction
11 resulting from an area proposed for annexation that is included in a
12 municipal annexation plan on or after September 1, 2017.

13 (b) The change in law made by Section 43.052(f-2), Local
14 Government Code, as added by this Act, applies only to a proposed
15 annexation that is included in a municipal annexation plan on or
16 after September 1, 2017.

17 (c) The changes in law made by Sections 43.0561 and 43.063,
18 Local Government Code, as amended by this Act, apply only to a
19 hearing notice published on or after September 1, 2017. A hearing
20 notice published before September 1, 2017, is governed by the law in
21 effect when the hearing notice was published, and the former law is
22 continued in effect for that purpose.

23 (d) The change in law made by Section 43.0635, Local
24 Government Code, as added by this Act, applies only to a proposed
25 annexation for which the first hearing notice required by Section
26 43.063, Local Government Code, as amended by this Act, is published
27 on or after September 1, 2017.

1 SECTION 8. This Act takes effect September 1, 2017.